

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
) Case No. 4:05CR3016
Plaintiff,)
)
vs) **MEMORANDUM**
) **AND ORDER**
BRIAN R. MOORE,)
)
Defendant.)

Brian R. Moore appeals from Judge Piester's decision to hold his release application in abeyance until a psychological evaluation has been completed. Mr. Moore worries that because of such a delay he may lose his place in line at a treatment facility.

Given Judge Piester's careful reasoning, and whether viewed de novo or by a more deferential standard of review, the decision was correct. Moore is too dangerous to be released without an evaluation.

Accordingly,

IT IS ORDERED that the appeal (filing 53) is denied.

September 12, 2005.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge